

REMARKS

Claims 1, 3-10, 13-28, 32, 35, 36, 39, 40, 42-44, 46, and 47 are pending in this application. Claims 2, 11, 12, 29-31, 33, 34, 37, 38, 41, 45, and 48 were previously canceled and claims 19-28 are withdrawn herein. Claims 1, 3-5, 7, 9, 10, 13-16, 18, 32, 39, 40, and 46 have been amended herein. In view of these amendments and remarks, Applicant respectfully requests reconsideration of the claims.

All of the claims were rejected under 35 U.S.C. 102(3) as being anticipated by one or more of Imai, *et al.*, Hanyu, *et al.*, Komano, *et al.*, and Yang, *et al.* However, each of the independent claims remaining in the application have been amended to include limitations nowhere taught by any of the references of record, whether considered singly or in combination.

More specifically, the independent claims 1 and 32 now require modifying the thickness of the substrate or first layer, depositing a selected thickness of a repair material such that the phase shift of light passing through to selected thickness of the deposited material and the modified thickness of the first layer is substantially equal to the phase shift of light passing through the substrate or first layer having its original thickness and the original second layer.

None of the cited references even suggest, much less teach, modifying the thickness of the substrate or first layer. It is noted that Hanyu, *et al.* does eliminate or completely etch away as intermediate layer 14 that causes a 90° phase shift before depositing a material, but this is not the same as modifying the thickness of the first layer or substrate.

All of the remaining claims depend directly or indirectly from either independent claim 1 or independent claim 32 and are, therefore, also allowable for depending from a claims deemed allowable as well as for their own limitations.

In view of the above, Applicant respectfully submits that the application is in condition for allowance and requests that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicant requests that the Examiner contact Applicant's attorney at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge the appropriate fees to Deposit Account No. 50-1065.

Respectfully submitted,

9 March 2006
Date

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